

**SUPERIOR COURT OF ARIZONA
COUNTY OF COCHISE**

DATE: October 18, 2018

2018 OCT 22 PM 4:27

**CASE: IN THE MATTER OF: CONRAD JOHN KAMUELA KEALOHAMAIIKAI
 PFLEGING-KAUHAIHAO
 DOB: 10/03/2006**

Person(s) Under the Age
of Eighteen Years

**DAVAKI LUCIA PEARL NA'EHEUOKAPO
PFLEGING-KAUHAIHAO
DOB: 09/30/2007**

**WHISPER LA'AKEA KALEIKAUMAKA
PFLEGING-KAUHAIHAO
DOB: 12/19/2008**

MINUTE ENTRY ACTION:

PERMANENCY PLANNING HEARING

CASE NO.: JD201700058

JUDGE: HONORABLE TERRY BANNON
DIVISION: Six
COURT REPORTER: RevolutionaryText, LLC
ADDRESS & PHONE

MARY ELLEN DUNLAP, Clerk
By: Angelia Bates (10/22/2018) Deputy Clerk
Docketed by: _____

PRESENT: **David Martin, Assistant Attorney General, on behalf of the Department of Child Safety**
 Isela Chavarria-Leslie, DCS
 Christopher Caine, Esq., on behalf of the mother, Heather Fairchild, who is present
 Janis Benson, Deputy Public Defender, on behalf of the children, who are not present
 Foster parents
 Celeste Fagan, CCS
 Amber Aarup, CASA
 Priscilla and John Pfleging, Grandparents
 Lucille Kauhahao, Paternal Grandmother, appearing telephonically from Hawaii

This matter came before the Court at **11:02 a.m.** this date for a **Permanency Planning Hearing**.

PROCEEDINGS:

Pursuant to A.R.S. § 8-525, the Court has determined that the proceeding is to remain open to the public and the Court has posted an admonition to attendees that they may not disclose identifying information about the child, siblings, parents, guardians or caregivers, or other persons identified in the proceeding. The Court explained in the posted admonition contempt of court to all attendees and possible consequences of violating a court order.

ICWA:

THE RECORD MAY SHOW the Indian Child Welfare Act **DOES NOT** apply in this matter.

STATUS OF THE CASE:

The Court is in receipt of a Verified Petition to Intervene filed October 18, 2018, which the Court will not hear this date.

Mr. Martin stated that the children were removed on October 26, 2017 and the mother needs long term residential treatment for substance abuse and treatment. She has just started her 5th attempt of inpatient treatment. The Children need permanency. The paternal grandmother in Hawaii has started the ICPC and waiting for the approved forms from the state of Hawaii. The children have remained in licensed foster care and the placement is meeting all the needs of the children. The Department is requesting discretion for extended visits for the children to go to Hawaii to be with their grandmother over the holidays if the ICPC has not yet been approved.

Minute Entry

Mr. Martin requested that the Court order the Department to file a Motion for Termination and set an Initial Hearing in approximately thirty (30) days.

Mr. Caine addressed the Court as to his client's progress and stated she is asking for an extension to finish the Haven Program which is her 2nd attempt and not the 5th.

Ms. Benson stated that the children do not want to be placed with the maternal grandparents and want to go to Hawaii.

Ms. Aarup stated she backed up and supported what Ms. Benson had said.

IT IS ORDERED that the case plan be changed to severance and adoption and the Department file the necessary paperwork within ten (10) days. The Court provided the mother with Form 3 which was filled out and filed in Open Court this date.

Mr. Caine stated that his client objected to the change in case plan.

The maternal grandmother addressed the Court.

IT IS FURTHER ORDERED that the maternal grandparents shall NOT contact the foster parents.

DOCUMENTS REVIEWED:

The Court is in receipt of the Foster Care Review Board Findings and Recommendations filed on 10/16/2018 which the Court has read and reviewed.

The Court is in receipt of the CASA Report filed on 10/01/2018 which the Court has read and reviewed.

ASFA Findings Re: Reasonable Efforts to Finalize the Permanency Plan was signed in Open Court this date.

State's exhibit 1 was admitted into evidence.

FUTURE HEARINGS

The Court **sets/affirms** the following hearings:

IT IS FURTHER ORDERED setting an **Initial Severance Hearing** for **Wednesday, November 14, 2018 at 8:00 a.m.** in Division Six of this Court. Mr. Caine may appear telephonically.

IT IS FURTHER ORDERED setting a **Severance Trial** for **Wednesday, December 12, 2018 from 9:00 a.m. to 5:00 p.m.** in Division Six of this Court.

IT IS FURTHER ORDERED disclosure deadline is December 7, 2018 close of business.

FINDINGS AND ORDERS:

The Court **FURTHER FINDS** the minor children continue to be **DEPENDENT CHILDREN**.

IT IS FURTHER ORDERED that the minor children shall remain wards of the Court in the legal care, custody and control of the Arizona Department of Child Safety.

IT IS FURTHER ORDERED that the physical care, custody and control of the minor children shall remain as set forth in placement orders.

The Court **FINDS** that mother was properly served.

The Court **CONFIRMS** the case plan of severance and adoption.

Minute Entry

ADMONITIONS:

The Court has admonished the parents that:

- Failure to attend further proceedings may result in proceedings going forward in their absence;
- Failure to participate in reunification services may result in the termination of parental rights and adoption, or permanent guardianship.

Once the responses have been received regarding the Verified Petition to Intervene, the Court will decide if a hearing needs to be set. All parties need to be served regarding the Motion to Intervene.

Proceedings concluded at 11:52 a.m.

Dated this 22nd day of October 2018.


Honorable Terry Bannon
Judge Pro Tempore of the Superior Court


Mailed/distributed by: Angela Bates on

10-23-18

xc: ☒ David Martin, Assistant Attorney General (e)
☒ Isela Chavarria-Leslie, DCS (e)
☒ Christopher Caine, Esq. (e)
☒ Janis Benson, Deputy Legal Defender (e)
☒ Pamela Housh (e)
☒ Lacey Medrano (e)
☒ Dependency Coordinator (e)
☒ CASA (e)
☒ FCRB (e)
☒ Div VI JAA (e)